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ART UNIT		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@fbtlaw.com

Office Action Summary

Application No.

10/051,555

Applicant(s)

MINDRUM, GORDON SCOTT

Examiner

TADEESE HAILU

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 39, 42, 43, 45-47, 51, 65, 66, 68, 71, 75 and 76 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 39, 42-43, 45-47, 51, 65, 66, 68, 71, 75 and 76 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Final Drawing Review (PTO-849)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is in response to the Amendment entered December 23, 2008.
2. The pending claims 39, 42-43, 45-47, 51, 65, 66, 68, 71, 75 and 76 are examined herein as follows.

Response to Arguments

3. Applicant's arguments filed December 23, 2008 have been fully considered but they are not persuasive. The applicant argues that the combined art does not teach a kiosk in a mausoleum (which is in the cemetery) is in communication with the computer readable medium that resides at the centralized office separate from the cemetery, via a network as recited in claims 39, 75 and 76. The examiner disagrees. Boggio, in particular teaches a mausoleum 14 (Fig. 14) comprising removable audio system (column 6, lines 11-31). As given in the rejection below, the rejection is clearly constructed to read the argued limitation. That is, incorporating Boggio to the rest of the applied art results in a kiosk in a mausoleum (which is in the cemetery) is in communication with the computer readable medium that resides at the centralized office separate from the cemetery, via a network as recited in claims 39, 75 and 76 (see the rejection below).

Thus, the combined prior art renders obvious the combination of claimed elements in light of the specification.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 39, 42, 43, 45-47, 51, 65, 66, 68 and 75-76 are rejected less than 35 U.S.C. 103(a) as being unpatentable over Assisi (U.S. Pat. No... 5,696,488), Bexten (US Pat. No 6,205,133), Evans, III (U.S. Pat. No. 5,732,231), Pearson (US Pat. No. 5,271,669), Boggio (US Pat. No. 5,404,343), Johnson et al (US Pat No. 6,453,302) and McCarty et al (US Pat. No. 5,946,660).

With regard to claims 39, 75 and 76:

As per "A system for presenting information relating to a deceased person," Assisi ***discloses system presenting personal or biographical information relating to and/or from a deceased person (Abstract).***

a) as per "a computer readable medium comprising data representing biographical information relating to a plurality of deceased persons, wherein the plurality of deceased persons are associated with a cemetery, wherein at least a portion of the data is formatted into at least one template for presenting the data, wherein the computer readable medium is located at a centralized office separate from the

cemetery;" ***Assisi discloses a computer readable medium (6) comprising data stored, representing biographical information (personal information) relating to a deceased person, wherein the deceased person is associated with a cemetery (column 1, lines 31-62). Assisi also discloses that the computer readable medium located at a central storage chamber 7, wherein the central storage chamber includes networked computer system that communicates with the cemetery via cable 4.***

b) as per "a processor in communication with the computer readable medium, wherein the processor is operable to receive a request for at least a portion of the biographical information relating to the deceased person from a user located within the cemetery, wherein at least a portion of the request is received by a receiver in communication with the processor, wherein the receiver is operable to receive requests for biographical information relating to the plurality of deceased persons;" ***Assisi further describes a processor (5) in communication with the computer readable medium (6), wherein the processor is operable to receive a request (via data cable 4) for at least a portion of the biographical information relating to the deceased person from a user (user of communication apparatus 3) located within the cemetery (see column 1, lines 63-column 2, lines 6, FIGURE).***

c) as per "a transmitter in communication with the processor, the transmitter being operable to transmit at least a portion of the requested biographical information relating to the deceased person, wherein the transmitter is located at a transmission location within the cemetery wherein the transmitter is operable to transmit biographical

information relating to the plurality of deceased persons;" ***Assisi further discloses a transmitter (2) in communication with the processor (5), the transmitter (2) being operable to transmit at least a portion of the requested biographical information relating to the deceased person, wherein the transmitter/receiver is located within the cemetery. Assisi further teaches the transmitter/receiver is operable to transmit biographical information relating to a deceased person, the portable device receives desired information for display or direct processing, that is the user can gain access information related to a deceased person (Abstract, column 1, lines 31-46, column 2, lines 15-22, FIGURE).***

d) as per "a device operable to present at least a portion of the requested biographical information to the user located within the cemetery, wherein the transmitter is further operable to transmit at least a portion of the requested biographical information relating to the deceased person to the device in response to the request for at least a portion of the biographical information relating to the deceased person;" ***Assisi further describes a device, wireless device (3) operable to present at least a portion of the requested biographical information to the user (user of communication apparatus 3) located within the cemetery (see FIGURE), wherein the transmitter (2) is further operable to transmit at least a portion of the requested biographical information relating to the deceased person to the device (3) in response to the request for at least a portion of the biographical information relating to the deceased person (see Abstract, column 2, lines 23-30, FIGURE). Furthermore, Assisi teaches that the user/visitor of the portable device can gain***

access to the storage device and may call up there from desired information for display or direct processing.

However, Assisi does not disclose "at least one template for presenting the data". Furthermore, Assisi does not explicitly describe biographical information related to the plurality of deceased persons. Assisi also fails to teach a kiosk in a mausoleum as recited in the claims.

Assisi wireless device (3) also includes information presentation means (a display), presenting information about a deceased person. Jonson discloses a computer generated presentation system. Jonson also discloses template information that may further include templates for generating and presenting to the customer presentations (column 8, lines 43-56). Moreover, Assisi and Johnson both describes presenting information. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to incorporate the template information described by Jonson into the presentation of Assisi so that the user carrying communication apparatus (wireless device) 3 will be able to use a selected or predefined template information when accessing and viewing information about the deceased person at gravestone 2. The suggestion /motivation for doing so would have been to present, based on the selected template, useful information attractive to the user on limited display screen area 3 in an efficient manner, and reducing the number of processes required for generating display data.

Therefore, it would have been obvious to combine Assisi with Johnson to obtain the invention as specified in the above claims.

Assisi in view of Johnson further teaches the transmitter/receiver is operable to transmit biographical information relating to a deceased person (Assisi, Abstract), but it is not clear whether Assisi is capable of interacting with biographical information related to plurality of deceased persons.

Bexten, on the other hand discloses a single central hub radio communication transmitter/receiver for use in radio communication with multiple distributed radio transceivers (portable devices) applicable to access a plurality of information, biographical information (Fig. 1). Bexten and Assisi in view of Johnson are analogous art because they are from the same field of endeavor, accessing information resource via radio communication. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to replace Assisi's transmitter/receivers that are located at each gravestone with a central transmitter/receiver of Bexten because centralizing radio communication (e.g., transmitter/receiver) at the hub would maximize overall system capacity, flexibility, and resource usage efficiency while minimizing the overall system cost (Bexten, Abstract). Furthermore the central transmitter/receiver enables the users to gain access to several information resources, without limited to a single resource. Therefore, it would have been obvious to combine Bexten with Assisi in view of Johnson with little modification (that is, placing Assisi's transmitter/receiver at the central hub) to obtain the invention as specified in the claim.

Furthermore, while Assisi in view of Johnson and Bexten discloses control chamber storage 7 (Assisi), i.e., storage of communication device including computers comprising a computer readable medium storage (6) and transmission (2) located with a

cemetery, but the combined art fall short to disclose a kiosk in a mausoleum as recited in the claims.

However, Evans III (Evans) discloses an apparatus located in a funeral establishment located outside the funeral parlor (column 3, lines 25-31) so that visitors coming to view the deceased and comfort his or her family can view images of the deceased, listen to audio of or about the deceased, and read textual information about the deceased, wherein information is presented to the user in a terminal display designed in a kiosk fashion (Figs. 2-4, column 2, lines 50-67, column 3, lines 42-67). Evans, on the other hand describes that a relative or a person associated with the deceased person, using a display terminal for use in funeral homes and by following the displayed instructions (Fig. 5), may provide information to a requested party or immediate family in any appropriate format, such as CD-Rom, Video Cassette or printout (column 5, lines 22-48). Evans also describes that at least a portion of the transmitted information comprises information submitted by the person associated with the deceased person (e.g., immediate family) in response to one or more of the requests of the life pack (column 2, lines 1-20).

Evans, Assisi in view of Johnson and Bexten are analogous art because they are from the same field of endeavor, presenting information to a user. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to provide the control storage chamber (7) of Assisi in view of Johnson and Bexten with the *terminal display* of Evans because such *terminal display* at least allows entry or retrieval of information about the deceased person from distant sites (e.g., Internet) so family

members and others unable to visit the deceased can have information (Evans, column 2, lines 14-20).

Furthermore, while the combined art discloses a kiosk (see Evans Figs. 2-4) within the cemetery including that the kiosk comprises a display operable to render biographical information relating to the deceased person (see Evans Figs. 2-4), the combined art, however does not explicitly describe providing a kiosk within a mausoleum in the cemetery, wherein the mausoleum is configured to provide overhead cover for the display of the kiosk, wherein the kiosk further comprises one or more security sensors. .

However, a kiosk usually includes a roof structure or overhead cover for the display and/or storage space. Such teaching is disclosed by Pearlson (see Abstract).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to provide an overhead or top cover housing structure to Evans' terminal display (that is arranged in kiosk fashion) so that the terminal display will be sheltered from sun and rain, etc and avoid exposure to weather, dust, insects and animals.

The combined art still does not disclose the kiosk further comprises one or more security sensors. McCarty on the other hand discloses a structure housing a kiosk wherein the kiosk comprises a camera (or security sensor) (Fig. 3 or 4A, #32).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the camera with the above combined art so that the kiosk will be secured.

The combined art still does not disclose the kiosk is located within a mausoleum in the cemetery. Boggio discloses a mausoleum 14 (Fig. 14) comprising removable audio system (column 6, lines 11-31). Boggio's audio system within the mausoleum provides audio information about a deceased person.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to replace the removable audio system within the mausoleum with kiosk of Evans or Pearlson's because the kiosk comprises more features than the audio system including a display operable to render biographical information relating to the deceased person (see Evans Figs. 2-4). The kiosk within the mausoleum also permits visitors of the deceased person to use the kiosk in the mausoleum to access biological information.

Therefore, it would have been obvious to combine Assisi, Johnson, Bexten, Evans, Pearlson, Boggio with McCarty to obtain the invention as specified in the above claims.

With regard to claim 42:

The combined art discloses that said deceased person's grave site (Assisi, FIGURE) Located within the cemetery, wherein at least one of the computer readable medium (6) or the transmission (2) location is Located at or proximate to the grave site (Assisi, FIGURE).

With regard to claim 43:

The combined art discloses wireless device (3) operable to present at least a portion of the requested biographical information to the user (user of communication apparatus 3) located within the cemetery (see **FIGURE**), wherein the transmitter (2) is further operable to transmit at least a portion of the requested biographical information relating to the deceased person to the device (3) in response to the request for at least a portion of the biographical information relating to the deceased person (Assisi, see Abstract, column 2, lines 23-30, **FIGURE**).

With regard to claim 45:

The combined art discloses that said device (3) comprises a portable electronic device (Assisi, Abstract, and column 1, lines 52-62).

With regard to claim 46:

The combined art discloses providing the portable electronic device (3) to the user for a limited time (Assisi, column 2, lines 3-6, column 2, lines 26-30).

With regard to claim 47:

The combined art discloses that portable electronic device comprises at least one of a personal digital assistant (3) or a laptop computer (Assisi, Abstract, and column 1, lines 52-62).

With regard to claim 51:

The combined art discloses that said at least a portion of the requested biographical information relating to the deceased person is transmitted to the device (3) wirelessly (Assisi, Abstract, column 1, lines 52-62).

With regard to claims 65 and 66:

The combined art discloses that at least a portion of the requested type of biographical information, such as text or picture, is provided to the person at communication device (3), associated with the deceased person electronically wirelessly (Assisi, FIGURE).

With regard to claim 67:

The combined art discloses a device permitting a person associated with the deceased person to select a visual format for presentation of the biographical information transmitting for the requested family member or friend. The visual format can be presented in textual or pictorial (photographical) package or both formats. (Evans, Figs. 2-4).

With regard to claim 68:

The above combined art further discloses that the life pack can be prepared, packed and shipped in tangible hard copy materials including photo pictures, CD-Rom, and Video Cassette (Evans, column 5, lines 22-48).

4. Claim 71 is rejected under 35 U.S.C. 103(a) as being unpatentable over the cited art as applied to claim 39 above, and further in view of Chandler, Jr., et al (4,835,983).

The claim calls for a kiosk with built-in heating and air conditioning. Although he the combined art teaches a kiosk with several features but the combined art does not describe the claim limitation.

Chandler, Jr., et al disclose a kiosk with air-conditioning and heater (Abstract, Fig. 5). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate Chandler's kiosk that has built-in heating and air conditioning in the system of the above references so that air temperature (e.g., overheated or frozen) will not affect the operation of the Kiosk, it will be controlled.

CONCLUSION

5. **IS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

6. Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and Figures may apply as well. It is respectfully requested from the applicant, in preparing the response, to

consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

7. Information regarding the status of an application may be obtained from the patent application information retrieval (PAIR) system. Status information for published application may be obtained from either Private –PAIR or Public-PAIR. Status information for unpublished applications is available through Private-PAIR only. For more information about the PAIR system, please see pair-direct.uspto.gov web site. Should you have questions regarding access to the PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).
8. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Tadesse Hailu, whose telephone number is (571) 272-4051. The Examiner can normally be reached on M-F from 10:30 – 7:00 ET. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Kieu Vu, can be reached at (571) 272-4057 Art Unit 2173.

/Tadesse Hailu/
Primary Examiner, Art Unit 2173